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EXAMINER

MILLER, JONATHAN R

ART UNIT PAPER NUMBER

3653

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,903

Applicant(s)

BLOOM, GREGG

Examiner

Jonathan R. Miller

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 30-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 and 41 is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-38 and 42-52 is/are rejected.
- 7) ☒ Claim(s) 11, 12, 39 and 40 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. Claims 1 –10, 14-18, 20-25, 29-38, 42-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Kakuta. The reference discloses associating an article identifier of a package with an identifier of a pickup location: grouping a plurality of packages for a plurality of recipients for delivery to a destination centralized pickup location based on said association of said article identifier and said pickup location identifier; delivering said packages in bulk in a single delivery stop to said destination centralized pickup location; randomly selecting a storage locker bin from a system of storage locker bins; and loading each delivered package into a respective randomly selected storage locker bin (col. 2, lines 35+).

3. With regards to claim 2, the reference further discloses said step of delivering said packages in bulk for a plurality of recipients further comprises delivering at least one item destined for a recipient (col. 2, lines 35+).

4. With regards to claim 3, the reference further discloses the step of delivering said packages in bulk comprises sorting at an origination regional distribution center (RDC) location items received from a plurality of retailers delivered to said origination RDC location, said items destined for a plurality of said recipients, said items organized by a common item identifier (col.

Art Unit: 3653

15, lines 65+). The reference discloses that a distributing party is used to bring packages from the order receiving party to the locker system. The reference discloses that this distributing party may be a conventional delivery company (e.g. UPS, FedEx, USPS). These conventional delivery companies utilize regional distribution centers and local distribution centers in their package sorting processes. This is all inherently disclosed in the reference.

5. With regards to claim 4, the reference further discloses the step of sorting said received items at said origination RDC location further comprises: identifying said received items to at least one of a destination centralized pickup location and a destination local distribution hub; identifying said received items to a destination RDC; and sorting and grouping said identified received items by said identified destination RDC, said identified received items organized by a common item identifier (col. 15, lines 65+).

6. With regards to claim 5, the reference further discloses the step of delivering said packages in bulk comprises: transporting said sorted and grouped items to said identified destination RDC; sorting at said destination RDC said transported items by said one of a destination centralized pickup location and a destination local distribution hub; creating, at said destination RDC, said bulk delivered package by organizing said sorted items for a specific request, said sorted items being sorted by one of said destination centralized pickup location and said destination local distribution hub; and transporting in bulk said created bulk delivered package having said items organized for a specific recipient, to one of said destination centralized pickup location and said destination local distribution hub (col. 15, lines 65+).

Art Unit: 3653

7. With regards to claim 6, the reference further discloses the step of creating said bulk delivered package at said destination RDC location further comprises locating items destined for a specific recipient from items organized by said common item identifier (col. 15, lines 65+).

8. With regards to claim 7, the reference further discloses consolidating more than one of said located items destined for said specific recipient, said more than one located items originating from more than one of said plurality of retailers (col. 15, lines 65+).

9. With regards to claim 8, the reference further discloses receiving said located items associated with a single order from at least one fulfillment location, said fulfillment location being at least one of a retailer, a manufacturer, a merchant and a supplier (col. 15, lines 65+).

10. With regards to claim 9, the reference further discloses the step of randomly loading said bulk delivered package into a system of storage locker bins further comprises: capturing electronically, an identifier for said bulk delivered package; and associating said electronically captured identifier of said bulk delivered package with an electronically captured identifier of one of said storage locker bins within said system of storage locker bins (col. 13, lines 27+).

11. With regards to claim 10, the reference further discloses retrieving said bulk delivered package created for said specific recipient from a storage locker bin, said retrieving step including authenticating an identity of said recipient prior to at least one of revealing an identity of said storage locker bin and providing access to said storage locker bin (col. 18, lines 6+).

12. With regards to claim 14, the reference further discloses the step of randomly loading said bulk delivered package into an automated system of storage locker bins comprises automatically triggering the dispatch of an electronic notification to said recipient of said bulk

Art Unit: 3653

delivered package, said electronic notification having at least an identifier of said destination centralized pickup location (col. 15, lines 65+).

13. With regards to claim 15, the reference further discloses said step of automatically triggering the dispatch of said electronic notification further comprises recording information necessary for billing at least one of a customer who ordered an item of said bulk delivered package, said recipient and a retailer, said information including at least one of an order identifier, an ordering customer identifier, a recipient identifier, a customer identifier, a package identifier, a delivery date, a delivery time, a delivery notification date, a delivery notification time, a retrieval date and a retrieval time (col. 15, lines 65+).

14. With regards to claim 16, the reference further discloses said electronic notification to said recipient comprises, at least one of a facsimile, an email, a telephone call, and a page (col. 17, lines 7+).

15. With regards to claim 17, the reference further discloses retrieval of said bulk delivered package by said recipient through self-service (col. 18, lines 6+).

16. With regards to claim 18, the reference further discloses the step of loading said bulk delivered packages randomly into said system of storage locker bins further comprises loading a bulk delivered package into any unoccupied storage locker bin within said system of storage locker bins, said unoccupied storage locker bin having dimensions large enough to accept said bulk delivered package, said system of storage locker bins being configurable (col. 13, lines 30+).

17. With regards to claim 20, the reference further discloses said step of delivering said packages in bulk to said destination centralized pickup location further comprises

Art Unit: 3653

accommodating delivery of said packages in bulk to said destination centralized pickup location from a plurality of different shippers (col. 15, lines 25+).

18. With regards to claim 21, the reference further discloses said step of loading said bulk delivered packages randomly into said system of storage locker bins further comprises accommodating loading of said bulk delivered package into said system of storage locker bins from a plurality of different shippers (col. 15, lines 25+).

19. With regards to claim 22, the reference further discloses said step of delivering said packages in bulk to said destination centralized pickup location further comprises creating a bulk delivered package at a retailer fulfillment site, said bulk delivered package containing at least one ordered item organized for a specific recipient (col. 15, lines 25+).

20. With regards to claim 23, the reference further discloses determining one of a specified destination centralized pickup location and a destination local distribution hub for bulk delivery of a bulk delivered package; determining a destination RDC for said bulk delivered package; transporting said bulk delivered package from said retailer fulfillment site to an origination RDC; sorting and grouping at said origination RDC said transported bulk delivered package by said determined destination RDC; transporting said bulk delivered package from said origination RDC to said determined destination RDC; sorting and grouping for bulk delivery at said determined destination RDC a plurality of transported bulk delivered packages by said determined one of said specified pickup location and said local distribution hub; and delivering said bulk delivered packages in bulk from said determined destination RDC to said determined one of said specified pickup location and said local distribution hub (col. 15, lines 25+). Again,

Art Unit: 3653

many of the limitations of this claim go to the conventional processes of common delivery companies, which is inherently disclosed in the reference.

21. With regards to claim 24, the reference further discloses said step of delivering said bulk delivered packages to said destination centralized pickup location further comprises: creating a bulk delivered package at a retailer fulfillment site, said bulk delivered package containing at least one ordered item organized for a specific recipient; determining one of a specified destination centralized pickup location and a destination local distribution hub for bulk delivery of said created bulk delivered package; sorting and grouping for bulk delivery at said retailer fulfillment site said bulk delivered package based on said determined one of a specified destination centralized pickup location and a destination local distribution hub; and delivering in bulk a plurality of said bulk delivered packages from said retailer fulfillment site to said determined one of a specified destination centralized pickup location and a destination local distribution hub (col. 15, lines 25+).

22. With regards to claim 25, the reference further discloses creating a bulk delivered customer distribution center (CDC) outbound package consisting of at least one item destined for a recipient at one of a specified destination centralized pickup location and a specified address; submitting said bulk delivered CDC outbound package for pickup at a destination centralized pickup location; and delivering a plurality of said CDC outbound packages in bulk to one of said specified destination centralized pickup location and a local distribution hub (col. 15, lines 25+).

23. With regards to claim 29, the reference further discloses associating means for associating an article identifier of a package with an identifier of a pickup location; grouping means for grouping a plurality of packages intended for a plurality of recipients for delivery to a

Art Unit: 3653

destination centralized pickup location based on said association of said article identifier and said pickup location identifier; delivery means for delivering sold packages in bulk in a single delivery stop to said destination centralized pickup location; means for randomly selecting a storage locker bin from a system of storage locker bins; and means for loading each delivered package into a respective randomly selected storage locker bin (col. 15, lines 25+).

24. With regards to claim 30, the reference further discloses said delivery means for delivering of said packages in bulk for recipients further comprises delivery means for delivery of at least one item destined for a recipient (col. 15, lines 25+).

25. With regards to claim 31, the reference further discloses said delivery means for delivering of said packages in bulk comprises means for sorting at an origination regional distribution center (RDC) location, items received from a plurality of retailers delivered to said origination RDC location, said items destined for a plurality of said recipients, and said items organized by a common item identifier (col. 15, lines 25+).

26. With regards to claim 32, the reference further discloses said means for sorting said received items at said origination RDC location further comprises: identification means for identifying said received items to at least one of a destination centralized pickup location and a destination local distribution hub; identification means for identifying said received items to a destination RDC; and means for sorting and grouping said identified received items by said identified destination RDC, said identified received items organized by a common item identifier (col. 15, lines 25+).

27. With regards to claim 33, the reference further discloses said means for delivering said packages in bulk comprises: transportation means for transporting said sorted and grouped items

Art Unit: 3653

to said identified destination RDC; means for sorting at said destination RDC said transported items by said one of a destination centralized pickup location and a destination local distribution hub; means for creating said bulk delivered package at said destination RDC by organizing said sorted items for a specific recipient, said sorted items being sorted by one of said destination centralized pickup location and said destination local distribution hub; and transportation means for transporting in bulk said created bulk delivered package having said items organized for a specific recipient, to one of said destination centralized pickup location and said destination local distribution hub (col. 15, lines 25+).

28. With regards to claim 34, the reference further discloses said means for creating said bulk delivered package at said destination RDC location further comprises means for locating items destined to a specific recipient from items organized by said common item identifier (col. 15, lines 25+).

29. With regards to claim 35, the reference further discloses consolidation means for consolidating more than one of said located items originating from said plurality of retailers, destined for said specific recipient (col. 15, lines 25+).

30. With regards to claim 36, the reference further discloses means for receiving said located items associated with a single order from at least one fulfillment location, said fulfillment location being at least one of a retailer, a manufacturer, a merchant and a supplier (col. 15, lines 25+).

31. With regards to claim 37, the reference further discloses randomly loading said bulk delivered package into said automated system of storage locker bins comprises: electronics for electronically capturing an identifier for said bulk delivered package; and means for associating

Art Unit: 3653

said electronically captured identifier of said bulk delivered package with an electronically captured identifier of one of said storage locker bins within said automated system of storage locker bins (col. 13, lines 25+).

32. With regards to claim 38, the reference further discloses retrieval means for retrieving said bulk delivered package created for said specific recipient from a storage locker bin, said retrieval means having a computing means for authenticating an identity of said recipient prior to at least one of revealing an identity of said storage locker bin and providing access to said storage locker bin (col. 18, lines 6+).

33. With regards to claim 42, the reference further discloses means for randomly loading said bulk delivered package into said system of storage locker bins comprises electronic circuitry and software for automatically triggering the dispatch of an electronic notification to said recipient of said bulk delivered package, said electronic notification having at least an identifier of said destination centralized pickup location (col. 15, lines 25+).

34. With regards to claim 43, the reference further discloses electronic circuitry and software for automatically triggering the dispatch of said electronic notification further comprises circuitry and associated software for recording information necessary for billing at least one of a customer who ordered an item of said bulk delivered package, said recipient and a retailer said information including at least one of an order identifier, an ordering customer identifier, a recipient identifier, a customer identifier, a package identifier, a delivery date, a delivery time, a delivery notification date, a delivery notification time, a retrieval date and a retrieval time (col. 18, lines 6+).

Art Unit: 3653

35. With regards to claim 44, the reference further discloses said electronic notification to said recipient comprises at least one of a facsimile, an email, a telephone call, and a page (col. 18, lines 6+).

36. With regards to claim 45, the reference further discloses retrieval means for retrieval of said bulk delivered package by said recipient through self-service (col. 18, lines 6+).

37. With regards to claim 46, the reference further discloses means for loading said bulk delivered package randomly into said system of storage locker bins further comprises means for loading said bulk delivered package into any unoccupied storage locker bin within said system of storage locker bins, said unoccupied storage locker bin having dimensions large enough to accept said bulk delivered package, said system of storage locker bins being configurable. (col. 13, lines 25+).

38. With regards to claim 47, the reference further discloses delivery means further comprises means for accommodating loading of said bulk delivered package into said automated system of storage locker bins from a plurality of different shippers (col. 13, lines 25+).

39. With regards to claim 48, the reference further discloses means for loading said bulk delivered package randomly into said automated system of storage locker bins further comprises means for accommodating loading of said bulk delivered package into said automated system of storage locker bins from a plurality of different shippers (col. 13, lines 25+).

40. With regards to claim 49, the reference further discloses said delivery means for delivering said package in bulk to said destination centralized pickup location further comprises, means for creating said bulk delivered package at a retailer fulfillment site, said bulk delivered package containing at least one ordered item organized for a specific recipient.

Art Unit: 3653

With regards to claim 50, the reference further discloses said delivery means for delivering said package in bulk to said destination centralized pickup location further comprises: means for determining one of a specified destination centralized pickup location and a destination local distribution hula for bulk delivery of said bulk delivered package; means for determining a destination regional distribution center (RDC) for said bulk delivered package; transportation means for transporting said bulk delivered package from said retailer fulfillment site to an origination RDC; means for sorting and grouping at said origination RDC said transported bulk delivered package by said determined destination RDC; transportation means for transporting said bulk delivered package from said origination RDC to said determined destination RDC; means for sorting and grouping for bulk delivery at said determined destination RDC a plurality of said transported bulk delivered packages by said determined one of said specified pickup location and said local distribution hub; and delivery means for delivering said bulk delivered packages in bulk from said determined destination RDC to said determined one of said specified pickup location and said local distribution hub (col. 15, lines 27+)

41. With regards to claim 51, the reference further discloses said means for delivering said bulk delivered package to said destination centralized pickup location further comprises: means for creating said bulk delivered package at a retailer fulfillment site, said bulk delivered package containing at least one ordered item organized for a specific recipient; means for determining one of a specified destination centralized pickup location and a destination local distribution hub for bulk delivery of said created bulk delivered package; sorting means for sorting and grouping for bulk delivery at said retailer fulfillment site a plurality of said bulk delivered packages based on said determined one of a specified destination centralized pickup location and a destination local

Art Unit: 3653

distribution hub; and delivery means for delivering in bulk said bulk delivered packages from said retailer fulfillment site to said determined one of a specified destination centralized pickup location and a destination local distribution hub (col. 13, lines 25+).

42. With regards to claim 52, the reference further discloses means for creating bulk delivered customer distribution center (CDC) outbound package consisting of at least one item destined for a recipient at one of a specified destination centralized pickup location and a specified address; means for submitting said bulk delivered CDC outbound package for pickup at a destination centralized pickup location; and delivery means for delivering said CDC outbound package in bulk to one of said specified destination centralized pickup location and a destination local distribution hub (col. 13, lines 25+).

Claim Rejections - 35 USC § 103

43. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

44. Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Kakuta in view of Stephens et al. Kakuta fails to disclose the temperature controlled environment. Stephens et al. discloses the temperature controlled environment. At the time of the invention it would have been obvious to one of ordinary skill in the art to utilize the temperature control for delivery items requiring special environments. Kakuta and Stephens et al. are analogous art, because they are from the same field of endeavor: unattended delivery systems.

Art Unit: 3653

Allowable Subject Matter

45. Claims 13 and 41 are allowed.

46. Claims 11, 12, 39 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

47. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references are listed in the 892. Any amendments should be reconciled with these references as well.

48. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Art Unit: 3653

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (703) 305-5778. The examiner can normally be reached on M-F: 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703) 306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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